

S/N 10/562,459

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elena Grossfeld et al.	Examiner:	Unknown
Serial No.:	10/562,459	Group Art Unit:	Unknown
Filed:	December 29, 2005	Docket:	2043.059US1
Title:	METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS		

RENEWED PETITION UNDER 37 C.F.R. 1.497(d)

MS PCT
Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. § 1.497(d) mailed January 27, 2006 in the above-identified patent application, Applicants hereby request that the inventorship of the above-identified patent application, as set forth in International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, be corrected from the joint inventorship of Elena Grossfeld, Surjatini Widjojo, Thorsten Lockert, Greg Seitz, James Barrese, Randy Wigginton and Chris Kasten to the joint inventorship of Elena Grossfeld, Surjatini Widjojo, Thorsten Lockert, Greg Seitz, Kenneth Randall Wigginton and Christopher J. Kasten.

This Request is accompanied by a Petition Under 37 C.F.R. § 1.182, a signed Statement of Kenneth Randall Wigginton, a signed Statement of Christopher J. Kasten, and a copy of an Assignment from the inventors to eBay, Inc. executed and recorded with the U.S. Patent Office on March 23, 2006. It is believed that no additional petition fee is required with this Renewed Petition Under 37 C.F.R. § 1.497(d).

Applicants believe that correction of the inventorship of the present application is now appropriate under 37 C.F.R. § 1.497(d), and that action is respectfully requested.

Respectfully submitted,

ELENA GROSSFELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

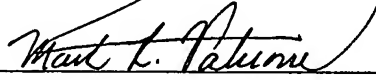
P.O. Box 2938

Minneapolis, MN 55402

408-278-4046

Date 3/27/2006

By



Mark R Vatuone

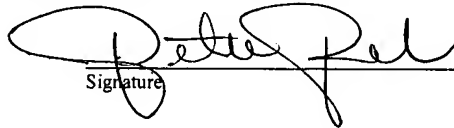
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of March, 2006.

Name

Peter Rebuffoni

Signature



S/N 10/562,459

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elena Grossfeld et al.	Examiner:	Unknown
Serial No.:	10/562,459	Group Art Unit:	Unknown
Filed:	December 29, 2005	Docket:	2043.059US1
Title:	METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS		

PETITION UNDER 37 C.F.R. § 1.182

MS PCT
Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. § 1.497(d) and in compliance with 37 C.F.R. § 1.497(a)-(b), Applicants hereby request that Kenneth Randall Wigginton and Christopher J. Kasten be listed as inventors in U.S. Patent Application Serial No. 10/562,459.

International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, lists "Randy" Wigginton and "Chris" Kasten as inventors. Applicants submit that Kenneth Randall Wigginton is the same individual listed as Randy Wigginton in the International Application and that Kenneth Randall Wigginton is his full, correct name. Similarly, Applicants submit that Christopher J. Kasten is the same individual listed as Chris Kasten in the International Application and that Christopher J. Kasten is his full, correct name.

This Petition is accompanied by statements under 37 C.F.R. § 1.182 from Kenneth Randall Wigginton and Christopher J. Kasten verifying the facts set forth in this Petition. Additionally, the Commissioner is authorized to charge the requisite fee of \$400.00 set forth in 37 C.F.R. § 1.17(f) to Deposit Account 19-0743.

Applicants submit that the Declaration previously submitted in U.S. Application Serial No. 10/562,459 is now in compliance with 37 C.F.R. § 1.497(a)-(b) and correction of inventorship is respectfully requested.

Respectfully submitted,

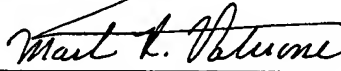
ELENA GROSSFELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4046

Date 3/27/2006

By



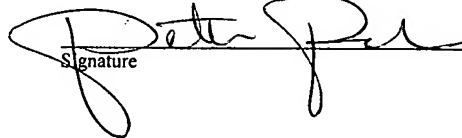
Mark R Vatuone
Reg. No. 53,719

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Name

Peter Rebuffoni

Signature



S/N 10/562,459

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elena Grossfeld et al.	Examiner:	Unknown
Serial No.:	10/562,459	Group Art Unit:	Unknown
Filed:	December 29, 2005	Docket:	2043.059US1
Title:	METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS		

STATEMENT OF KENNETH RANDALL WIGGINTON IN SUPPORT OF PETITION
UNDER 37 C.F.R. § 1.182

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Kenneth Randall Wigginton, hereby state that I am a joint inventor of the subject matter of the above-identified application and of International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, from which the above-identified application claims priority under 35 U.S.C. 365(c).

Through error which arose without any deceptive intent on my part, I was incorrectly listed as Randy Wigginton in International Application No. PCT/US2004/014997. My full and correct name, as set forth in the declaration I executed October 15, 2005 in the above-identified application, is Kenneth Randall Wigginton.

3/24/06
Date


Kenneth Randall Wigginton

S/N 10/562,459

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elena Grossfeld et al.	Examiner:	Unknown
Serial No.:	10/562,459	Group Art Unit:	Unknown
Filed:	December 29, 2005	Docket:	2043.059US1
Title:	METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS		

STATEMENT OF CHRISTOPHER J. KASTEN IN SUPPORT OF PETITION UNDER
37 C.F.R. § 1.182

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Christopher J. Kasten, hereby state that I am a joint inventor of the subject matter of the above-identified application and of International Application No. PCT/US2004/014997 filed May 12, 2004 and published as WO 2005/010650A2, from which the above-identified application claims priority under 35 U.S.C. 365(c).

Through error which arose without any deceptive intent on my part, I was incorrectly listed as Chris Kasten in International Application No. PCT/US2004/014997. My full and correct name, as set forth in the declaration I executed October 14, 2005 in the above-identified application, is Christopher J. Kasten.

3/23/2006
Date



Christopher J. Kasten

*** TX REPORT ***

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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH
PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900

Facsimile (612) 339-3061

23
March 22, 2006

Time: 10:50 AM
(Minneapolis, Minn.)

TO: Commissioner for Patents
Attn: Assignment Recordation Services
Patent Examining Corps
Facsimile Center
P.O. Box 1450
Alexandria, VA 22313-1450
FAX NUMBER 571-273-0140

FROM: Mark R. Vatuone

OUR REF: 2043.059US1

Documents Transmitted:

Assignment (7 pages), Assignment Recordation Form Cover Sheet (1 page), authorization to charge Deposit Account No. 19-0743 in the amount of \$40.00 to cover the Assignment Recording Fee.

Total pages of this transmission, including cover letter: (9 pgs)

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: Elena Grossfeld et al.

Examiner: Unknown

Serial No.: 10/562,459

Group Art Unit: Unknown

Filed: December 29, 2005

Docket No.: 2043.059US1

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900 Facsimile (612) 339-3061

March ²³~~22~~, 2006

Time: 10:50 AM
(Minneapolis, Minn.)

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TO: Commissioner for Patents
Attn: Assignment Recordation Services
Patent Examining Corps
Facsimile Center
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Mark R. Vatuone

OUR REF: 2043.059US1

FAX NUMBER 571-273-0140

Documents Transmitted:

Assignment (7 pages), Assignment Recordation Form Cover Sheet (1 page), authorization to charge Deposit Account No. 19-0743 in the amount of \$40.00 to cover the Assignment Recording Fee.

Total pages of this transmission, including cover letter: (9 pgs)

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: Elena Grossfeld et al.

Examiner: Unknown

Serial No.: 10/562,459

Group Art Unit: Unknown

Filed: December 29, 2005

Docket No.: 2043.059US1

Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: Mark R. Vatuone

Name: Mark R. Vatuone

Reg. No. 53,719

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Peter Rebuffoni
Peter Rebuffoni

03-23-2006
Date

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Atty Ref/Docket No.: 2043.059US1

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Elena Grossfeld, Surjatin Widjojo, Thorsten Lockert,
Greg Seitz, Kenneth Randall Wigginton and Christopher
J. Kasten

Additional name(s) of conveying party(ies) attached?
[] Yes [X] No

3. Nature of conveyance:

[X] Assignment [] Merger
[] Security Agreement [] Change of Name
[] Other

Execution Date: January 2, 2006, October 28, 2005,
December 12, 2005, October 17, 2005, October 15, 2005,
October 15, 2005

2. Name and address of receiving party(ies):

Name: eBay Inc.

Street Address: 2145 Hamilton Avenue

City: San Jose State: CA Zip: 95125

Additional name(s) & address(es) attached? [] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Serial No. 10/562,459, filed December 29, 2005

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: Mark R. Vatuone

Address:
Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

[] Enclosed

[X] Authorized to be charged to deposit account

8. Please charge any additional fees or credit any over
payments to our Deposit account number: 19-0743

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true
copy of the original document.

Mark R. Vatuone/Reg. No. 53,719

Name of Person Signing

Signature

Date

Total number of pages including cover sheet: 8

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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ASSIGNMENT

WHEREAS, We, Elena Grossfeld, residing at 737 Chemowa Ct., Sunnyvale, CA 94087, and Surjatini Widjojo, residing at 15880 Lomas Lane, Los Gatos, CA 95030, and Thorsten Lockert, residing at 1020 Glen Brook Avenue, San Jose, CA 95125, and Greg Seitz, residing at 13774 Melrose Place, Lake Oswego, OR 97035, and Kenneth Randall Wigginton, residing at 876 Franquette Ave., San Jose, CA 95125, and Christopher J. Kasten, residing at 10 Bascom Court, Sacramento, CA 95835, made certain new and useful inventions and improvements for which we filed an international patent on 12 May 2004, under International Application No. PCT/US2004/014997, which is entitled METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS;

AND WHEREAS, eBay Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 2145 Hamilton Avenue, San Jose, CA 95125 (hereinafter "Assignee"), is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted there from, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted there from; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 2 day of January, 2006.



Elena Grossfeld

COPY

Docket No: 2043.059WO1
Serial Number : PCT/US2004/014997
Filing Date : 12 May 2004
Page 3 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28 day of October, 2005.



Surjatin Widjojo

COPY

Docket No: 2043.059WO1
Serial Number : PCT/US2004/014997
Filing Date : 12 May 2004
Page 4 of 7

IN TESTIMONY WHEREOF, I have hereunto set my hand this 12th day of December, 2005.


 

Thorsten Lockert

COPY

Docket No: 2043.059WO1
Serial Number : PCT/US2004/014997
Filing Date : 12 May 2004
Page 3 of 7

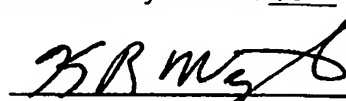
IN TESTIMONY WHEREOF, I have hereunto set my hand this 17th day of October, 2005.



Greg Seitz

COPY

IN TESTIMONY WHEREOF, I have hereunto set my hand this 15th day of October, 2005.



Kenneth R. Wigginton

COPY

IN TESTIMONY WHEREOF, I have hereunto set my hand this 15 day of October, 2005.



Christopher J. Kasten



UNITED STATES PATENT AND TRADEMARK OFFICE

27 JAN 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of
GROSSFELD et al.
Application No.: 10/562,459
PCT No.: PCT/US04/14997
Int. Filing Date: 12 May 2004
Priority Date: 03 July 2003
Attorney Docket No.: 2043.059US1
For: METHOD AND SYSTEM FOR
MANAGING DATA TRANSACTION
REQUESTS

DECISION ON PETITION

UNDER

37 CFR 1.497(d)

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.497(d)" filed in the United States Patent and Trademark Office (USPTO) on 29 December 2005.

BACKGROUND

On 12 May 2004, applicants filed international application PCT/US04/14997, which designated the United States and claimed a priority date of 03 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 January 2006.

On 29 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and the instant "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.497(d)".

JAN 30 2006

DISCUSSION

37 CFR 1.497(d), provides:

Schwegman, Lundberg,
Woessner & Kluth, P.A.

JAN 30 2006
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(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the

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DOPT

execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Applicants have satisfied item (1).

As to item (2), the processing fee of \$130 has been charged to Deposit Account 19-0743.

As to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

Applicants have not satisfied item (3). The written consent of the assignee does not contain documentary evidence of a chain of title from the original owner to the assignee. See MPEP § 324 for a proper showing under 37 CFR 3.73(b).

Declaration of Inventors

The declaration of inventors filed 29 December 2005 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in two of the named inventor between the published international application (Randy Wigginton and Chris Kasten) and the declaration of inventors (Kenneth Randall Wigginton and Christopher J. Kasten, respectively). Because this difference in names is more than a mere typographical error or a phonetic misspelling of each of applicant's legal names, a proper petition under 37 CFR 1.182 is required for each inventor in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor. This statement should set forth that he is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

The request under 37 CFR 1.497(d) is DISMISSED for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT
Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Elena Grossfeld et al.
 Title: METHOD AND SYSTEM FOR MANAGING DATA TRANSACTION REQUESTS
 Docket No.: 2043.059US1
 Filed: December 29, 2005
 Examiner: Unknown
 Serial No.: 10/562,459
 Due Date: March 27, 2006
 Group Art Unit: Unknown

MS PCT
 Office of PCT Legal Administration
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Renewed Petition Under 37 CFR 1.497(d) (2 pgs.).
- ☒ Petition Under 37 CFR 1.182 including authorization to charge Deposit Account 19-0743 in the amount of \$400.00 to cover the Petition fee (2 pgs.).
- ☒ Statement of Kenneth Randall Wigginton (1 pg.).
- ☒ Statement of Christopher J. Kasten (1 pg.).
- ☒ Copy of previously-recorded Assignment from inventors to eBay, Inc. (10 pgs.).
- ☒ Copy of Decision on Petition mailed January 27, 2006 (2 pgs.).
- ☒ Return postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 Customer Number 49845

By: Mark R. Vatuone
 Atty: Mark R. Vatuone
 Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS PCT, Office of PCT Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of March, 2006.

Peter Rubfeni Peter Rubfeni
 Name Signature

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